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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,838	01/22/2002	Ann C. Savoca	1995.PHM	5024

7590

10/22/2003

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EXAMINER
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NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 10/22/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/053,838

Applicant(s)

SAVOCA ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claims***

1. Pursuant to entry of the amendment dated 05 August 2003 (Paper No. 5), claims 7-19 are pending.

### ***Summary of Invention***

2. As best understood by the examiner, applicants' process involves one of processes A or B, as follows:

A [recited in claims 7-13] calls for making a glove by:

- a. immersion of a former into an aqueous polymer composition
- b. immersion of the former in a coagulant
- c. immersion of the former in a latex
- d. chlorinating the latex coated former
- e. curing the chlorinated latex
- f. removing the glove from the former.

B [recited in claims 14-19] calls for making a glove by:

- a. immersion of a former into an aqueous polymer composition
- b. immersion of the former in a coagulant
- c. immersion of the former in a latex
- d. curing the latex coated former
- e. chlorinating the cured latex
- f. removing the glove from the former.

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That is, processes A and B involve similar steps, but curing takes place after chlorination in A and before chlorination in B.

***Rejections Withdrawn***

3. The 35 USC 102 rejection of claims 1-2 and 4-9 as anticipated by Petrash et al (EP 1086980 A1), as recited in section 5 of the 17 April 2003 office action (Paper No. 3), is withdrawn in order to apply the new ground of rejection below.

4. The 35 USC 103 rejection of claims 1-24 as unpatentable over Petrash in view of Momose et al (EP 03546580A2), as expressed in section 8 of Paper No. 3, is withdrawn in view of applicants' amendments in Paper No. 5.

New Rejections

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrash (EP 1086980 A1) in view of the Dart Industries publication (GB 1231683).

Petrash teaches the production of gloves (page 8, line 39) via the coating of a former with a coagulant/polymer mixture, then with a latex (page 8, lines 45-51, especially lines 50-51). The polymer coating is applied before curing the latex (page 8, line 51). The latex, or non-star polymer, surface may be chlorinated (page 9, lines 6-7). It fails to teach chlorination of the glove while on the former.

The Dart reference teaches the treating of glove forms with coagulant, then latex, then chlorine (page 1, lines 56-64 and lines 83-88). Chlorination is carried out with an aqueous solution of 1200 p.p.m. chlorine gas (see page 1, lines 40-44 and page 2, lines 13-16). The chlorination takes place while the gloves are on the forms in order to change the surface characteristics of the gloves to keep lubricants from adhering to them (page 2, lines 4-8).

The "former" of Petrash and the "form" of Dart refer to the mold surface used to make the latex gloves.

The references are analogous because they both deal with the coating of molds to make latex gloves.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the chlorination step of the Dart reference in order to change the surface characteristics of the Petrash latex gloves so that lubricants will not adhere to them.

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The motivation to employ the chlorination step of the Dart reference in order to change the surface characteristics of the Petrash gloves so that lubricants will not adhere to them is found at page 2, lines 4-8 of the Dart Industries reference, where the use of chlorination to prevent the adherence of lubricants to gloves is discussed.

It is deemed desirable to modify gloves to make them less adherent to lubricants so that they may be handled more efficiently.

The selection of suitable polymers for use in the polymer coating step is deemed a matter of optimization, which optimization would be obvious. See in re Peterson, 65 USPQ2d 1379 (Fed.Cir.2003).

8. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrash in view of Dart.

The references and their analogousness are discussed above.

They fail to teach the chlorination of the latex before it is cured.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to prechlorinate the latex coated forms/formers suggested by the combination of Petrash and Dart in order to reduce the handling steps needed to make the gloves and thereby simplify their production.

In the absence of convincing objective evidence to the contrary the use of chlorination before the latex is cured is deemed a matter of engineering choice and an obviously simpler variation of the processes suggested by the Petrash and Dart disclosures.

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It is deemed desirable to simplify the making of latex gloves by eliminating the need to transfer the gloves from the liquid latex application operation to the curing operation and back to the liquid chlorination operation.

***Response to Arguments***

9. Applicant's arguments with respect to claims 7-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/872-9306. The receptionist answers 703/308-0661.



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SMN/smn  
10053838(6)  
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